

**Remarks**

Claims 1- 20 had been presented. Claims 1-20 were rejected for the reasons detailed below. Claim 6 has been cancelled. Claims 1-5, 7, 8, 12-20 have been amended. Claims 21-25 have been added. Applicants respectfully request reconsideration.

**Information Disclosure Statement**

The Examiner has requested a copy of the article “New advanced billing for 3G wireless, 3G HOME, cccc FREE Daily 3G Newsletter, January 21, 2002” be provided. Applicants do not possess a copy of this article in their files. Applicants provide the reference entitled “Megisto Systems’ Mobile Subscriber Service Architecture Enables Full Potential of Wireless Data Networks” as the closest match of the article previously disclosed.

Applicants have not received an initialed copy of the Form 1449 that was submitted with an Information Disclosure Statement on March 19, 2002. Applicants request that the Examiner return a copy of the initialed Form 1449 with the next communication.

**Rejections under 35 U.S.C. § 102**

Claims 1-5 and 15-20 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,477,156 to Ala-Laurila et al. (herein the Ala-Laurila et al. patent). In particular, the Office Action states, “Laurila discloses apparatus and associated method for selectably operating radio device in alternate operating mode.”

Applicants respectfully traverse this rejection because the reference cited by the Office Action does not teach every element of independent claims 1, 5, 15, 19, or 20. In particular, as

stated in M.P.E.P. § 2131: “A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.”

Independent claim 1 of the present invention is directed to a method for use in managing wireless network data. The method identifies and obtains access information for a wireless local area network (WLAN) from a separate wireless network. The separate wireless network and WLAN are different networks. Based on the access information, a connection is made between a wireless data device and the WLAN.

Similarly, independent claims 15, 19, and 20 of the present invention are directed to a method, an apparatus, and computer software, respectively, that identify and obtain access information for a WLAN from a separate wireless network. The Ala-Laurila et al. patent does not disclose obtaining access information from a wireless network that is separate from the WLAN with which a connection will be attempted and/or established. Use of a separate network to obtain access information provides advantages, e.g. the separate network may provide a larger coverage area than the WLAN. (See pg. 4, lines 3-11).

Independent claim 5 of the present invention is directed to a method for use in managing wireless network data. The method identifies and obtains a list of wireless local area networks (WLANs) from a separate wireless network. The separate wireless network is a different network from the WLANs on the list. Based on the list, the method attempts to establish a packet data connection with at least one of the WLANs in the list. The Ala-Laurila et al. patent does not disclose obtaining a list of WLANs from a wireless network that is separate from the WLANs on the list with which a connection is attempted.

As noted above, the Ala-Laurila et al. patent only discloses a method and apparatus for selectably operating a radio device in an alternate operating mode. Therefore, because the Ala-

Laurila et al. patent fails to disclose or suggest each and every element as set forth in independent claims 1, 5, 15, 19, and 20, these claims are patentable over the Ala-Laurila et al. patent. Claims 2-4 depend from claim 5, and claims 16-18 depend from claim 15. Thus, these dependent claims are also patentable over the Ala-Laurila et al. patent for at least the same reasons as those for the independent claims.

Claims 6 and 7 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,888,811 to Eaton et al. (herein Eaton et al.). In particular, the Office Action states, “Eaton discloses communication system for location sensitive information and method therefore.” Applicants have cancelled claim 6 and traverse the rejection with respect to independent claim 7 because the reference cited by the Office Action does not teach every element.

Independent claim 7 is directed to a method for use in managing wireless network data. The method identifies a wireless device and a wireless local area network (WLAN) and conveys information via a separate wireless network to the wireless device sufficient to enable the wireless device to detect the WLAN. The separate wireless network and WLAN are different networks. In addition, the method sends information to a control point of the WLAN sufficient to authorize the wireless device to utilize a service through the WLAN.

Eaton et al. do not disclose conveying information via a separate wireless network to the wireless device sufficient to enable a wireless device to detect a WLAN. Eaton et al. disclose a wireless device that must detect the presence of a smart network access point on its own. (See Eaton et al. col. 12, lines 18-19, col. 13, lines 26-27, and col. 15, lines 10-11). Conveying information via a separate wireless network to the wireless device sufficient to enable a wireless device to detect a WLAN provides advantages, e.g., it can minimize time to access because the

wireless device does not have to scan blindly for all possible nearby WLANs. (See pg. 7, lines 16-25).

As noted above, Eaton et al. only disclose a system and method for communicating location sensitive information, which rely upon the wireless device, on its own, to detect the presence of a smart network access point. Because Eaton et al. fail to disclose or suggest each and every element as set forth in independent claim 7, this claim is patentable over Eaton et al.

#### Rejections under 35 U.S.C. § 103

Claims 8-14 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eaton et al. in view of “Wireless LAN Access Network Architecture for Mobile Operators” by Juha Ala-Laurila et al. (herein the Ala-Laurila et al. article). Claims 8-14 depend from claim 7. The Office Action states that Eaton et al. supply all limitations of independent claim 7, and the Ala-Laurila et al. article supplies the additional limitations found in dependent claims 8-11, which are lacking in Eaton et al. The Office Action states Eaton et al. supply the additional limitations found in dependent claims 12-14.

Applicants respectfully traverse this rejection because the Office Action does not present a *prima facie* case for obviousness based upon the teachings of Eaton et al. alone or in combination with the Ala-Laurila et al. article because these references do not teach or suggest all of the claim limitations. As stated in M.P.E.P. § 2142 (emphasis added):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

As explained above, claims 8-14 depend from independent claim 7. Claim 7 of the present invention is directed to a method for use in managing wireless network data. The method identifies a wireless device and a wireless local area network (WLAN) and conveys information via a separate wireless network to the wireless device sufficient to enable the wireless device to detect the WLAN. The separate wireless network and WLAN are different networks. In addition, the method sends information to a control point of the WLAN sufficient to authorize the wireless device to utilize a service through the WLAN.

Eaton et al. disclose a wireless device that must detect the presence of a smart network access point on its own. (See Eaton et al. col. 12, lines 18-19, col. 13, lines 26-27, and col. 15, lines 10-11). The Ala-Laurila et al. article discloses a wireless LAN system architecture that combines the WLAN radio access technology with mobile operators' SIM-based subscriber management functions and roaming infrastructure. Neither Eaton et al. nor the Ala-Laurila et al. article teach or suggest conveying information via a separate wireless network to the wireless device sufficient to enable a wireless device to detect a WLAN. Accordingly, neither Eaton et al. alone nor in combination with the Ala-Laurila et al. article, provide support for a *prima facie* case of obviousness. Claims 8-14 are therefore patentable over the cited references.

For the sake of completeness, the Applicants note the Office Action appears to reject claims 12-14 under 35 U.S.C. § 102(e) rather than under 35 U.S.C. § 103(a) because the Office Action states Eaton et al. supply not only the limitations of underlying independent claim 7, but also the additional limitations found in dependent claims 12-14. As explained above in the remarks addressing the rejection of claim 7 under 35 U.S.C. § 102(e), Eaton et al. fail to disclose

or suggest each and every element as set forth in independent claim 7. Because claims 12-14 depend from claim 7, these claims are patentable over Eaton et al. for at least the same reasons as those for independent claim 7.

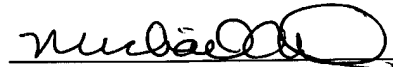
All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant's attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge any fee deficiency associated with this submission, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an extension of time is required, or that may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of which is required to make this response timely, and is hereby authorized to charge any fee for such, to deposit account number 08-0219.

Respectfully submitted,

Date: 4-25-06

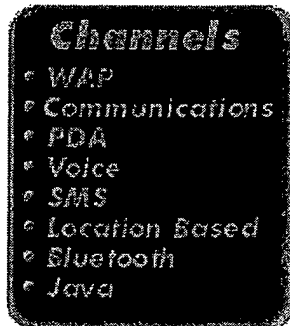


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### Megisto Systems' Mobile Subscriber Service Architecture Enables Full Potential of Wireless Data Networks



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GERMANTOWN, Md.--Jan. 21, 2002-- New Architecture Allows Carriers to Deliver and Bill for Advanced Mobile Services Via Always-On Connections to 2.5G, 3G, or WLAN Networks

Megisto Systems, makers of innovative core network infrastructure for advanced mobile services, today announced its Mobile Subscriber Service(TM) (MSS) architecture.

MSS is a subscriber- and service-aware core network infrastructure that enables mobile operators to grow revenues per user by creating new kinds of services that their subscribers want and need, and allows them to effectively bill for these services.

"Upgrading the mobile access network to 2.5G technology is just the first step toward creating desirable and profitable wireless services," said Gordon Saussy, co-founder, president and CEO of Megisto. "To achieve rapid return on their investments and sustain growth, carriers will need to deliver secure and personalized services, track and bill for those services, and form profitable relationships with application and service partners. Coming from strong backgrounds in both wireless and IP data networking, we understand the unique requirements of supporting IP services in mobile environments, and we designed the MSS architecture to meet those needs."

Subscriber and Service Aware

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The power of the MSS architecture comes from its ability to provide the subscriber and service awareness and the key service interfaces required to deliver personalized mobile services.

Traditional products built for the Internet can use fixed information from the packet header or the access link to identify a customer. But this information is not available in a mobile network. Megisto's products anchor the mobile subscriber and have knowledge of the subscriber's identity, activity, and usage--the key state information required to deliver the advanced services of interest to mobile subscribers.

Unlike routers and subscriber management systems built for the conventional fixed Internet, the MSS was designed from the ground up to manage this state information and to effectively process mobile subscriber data traffic. The MSS also offers a powerful set of mobile service interfaces. These interfaces present state information to external service and application platforms that offer advanced services.

#### **Unleashing the Power of the Mobile Internet**

The MSS architecture helps operators realize the full potential of the Mobile Internet by delivering a broad range of new and profitable services. With secure mobile connections, enterprises will implement a host of high-value services such as mobile sales force automation, inventory tracking, and remote power control and monitoring.

For consumer subscribers, carriers will be able to offer everything from automatic news updates, investment alerts, and peer-to-peer gaming, to remote home monitoring. Carriers will be able to support a variety of billing services to suit individual customer preferences, including prepaid billing, billing for access to WLANs, and subsidized billing.

"Although many mobile networks have been upgraded to provide continuous data connectivity, if network operators and service providers want to maintain growth and make money, the network infrastructure must do much more. It must become a revenue platform that keeps users connected, delivers services, and tracks their consumption--including context and content--and integrates smoothly and seamlessly with back-end billing and management systems," said Michael Davies, chairman and founder of Mercator Partners. "Megisto's MSS architecture pulls together all these key functions, giving mobile operators a simple and effective way to deliver and profit from advanced services, that can scale as this part of their business grows."

#### **Universal Mobility Enables Seamless WLAN Roaming**

A powerful feature of the MSS architecture is Universal Mobility (TM), which enables another new service: WLAN roaming. Mobile operators can increase revenues by augmenting their 2.5G and 3G



networks with high-capacity, low-cost WLAN access using 802.11b/WiFi in high-density locations such as airports, convention centers, and coffee shops. Universal Mobility ensures that users receive consistent network services from a single mobile operator regardless of the access network technology and removes the need for users to be "network aware" before they can take advantage of high-capacity, hot-spot services.

"We believe WLAN service is a key enabler for and a complement to 2.5G and 3G services," said Carol Politi, Megisto co-founder and vice president of marketing. "Combining wireless LAN access with 2.5G and 3G networks provides a strategic advantage to mobile operators, enabling them to deliver a profitable value-added service and at the same time decrease their network build-out costs in critical high-density areas."

"Integrated WLAN access solutions, only possible from wireless operators, will stimulate mobile data usage while providing an additional revenue stream, expected to be worth \$6 billion in 2006," said Christine Loreda of Strategis Group. "Hot spots are a great way to boost capacity and bandwidth at a relatively low cost and they can enhance the 2.5G network experience for mobile users."

#### About Megisto Systems

Megisto Systems is developing a Mobile Internet Service Gateway that will enable mobile operators to fully realize the benefits of the Mobile Internet by delivering new and profitable data services. Megisto's subscriber- and service-aware infrastructure provides the network intelligence required to deliver profitable and secure personalized services to subscribers roaming between 2.5G, 3G, and WLAN networks.

Founded in May 2000, Megisto has a unique blend of expertise in both wireless mobile and data communications. The company's executive team consists of veteran managers who have brought together a team with extensive experience in both entrepreneurial and established networking companies such as Ericsson, Alcatel, Motorola, Lucent, Torrent Networking, 3Com, Sprint, BBN, Level 3, Hughes Network Systems, and AT&T Labs. Megisto is headquartered in Germantown, Md., in the heart of Washington, D.C.'s high-tech corridor. For more information about Megisto, please visit the corporate Web site at [www.megisto.com](http://www.megisto.com).

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